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## Via E Mail and First Class Mail

Thomas J. Krueger  
Associate Regional Counsel  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (C-14J)  
Chicago, Illinois 60604-3590

**Re: Ellsworth Industrial Park  
Further Comments on the Revised SS/SSLs and the Draft RI**

Dear Tom:

We have reflected on the process that has taken place since the initial draft of the RI was first released to the SAO parties on March 6, 2009; and in retrospect, on behalf of our client Precision Brand Products, we find it very disconcerting.

During that period, we devoted a substantial amount of time and effort working with the SAO group in order to provide you substantive and constructive Core Comments regarding: (1) plain errors in the assumptions relied upon by the Agency in developing the HHRA and the Draft RI, (2) problems with the methodologies employed by USEPA's contractor in the field, in their use and reporting of data, and indeed with the data base itself (including both what was included and excluded from the data base - notwithstanding our numerous prior requests that USEPA correct the data base); and (3) various mathematical and calculation errors that were so egregious that if they were corrected, the re-calculations would undercut the Agency's entire approach and analysis in the Draft RI. (For example, use of the correct hydraulic gradient in the 'least stringent' Site Specific Soil Screening Levels ("SS/SSLs") initially proposed, without further adjustment, resulted in SS/SSLs that were as stringent as the 'most stringent' Region IX screening levels included in the draft RI.)

As far as we can tell, the only comments that were seriously considered by the Agency are the ones that pointed out the mathematical and computational errors - particularly the errors in the Site Specific Soil Screening Levels ("SS/SSLs") -- that were so obvious that they simply could not be ignored.

It now appears to us that the Agency is so focused on generating default SS/SSLs (that the Agency also plans to use as default Soil Remedial Objectives) that it is ignoring virtually all of its regulatory obligations, as well as its AIP and SAO responsibilities, in developing and presenting a Draft RI for the Ellsworth Industrial Park.

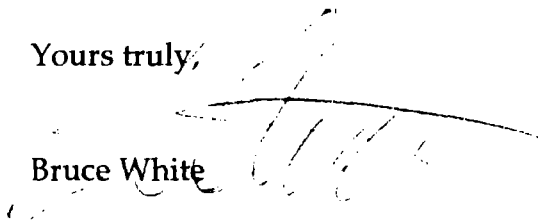
For the reasons set forth in the Core Comments previously provided by the SAO Group, and our own prior separate sets of comments submitted on behalf of Precision in prior years regarding the deficiencies in the HHRA and the data base, which have all largely been ignored by the Agency thus far (except for the comments on the mathematical errors), we are of the view that the Draft RI, the assumptions underlying it, the data base utilized to prepare it, and the findings and conclusions it contains (including the SS/SSLs), are arbitrary, capricious, unreasonable, and contrary to law.

We do not believe it would be productive or constructive to further comment on the latest Agency revisions to the SS/SSLs at this time. If other SAO parties choose to do so, they will submit their own comments directly. On behalf of Precision Brand Products we reserve the right to, and will submit, formal comments on the Draft RI when it is released for public comment.

If you have any questions or would like to discuss any aspect of this matter, feel free to call any time.

Yours truly,

Bruce White



cc:

Michael Berkoff (USEPA)

SAO Party Representatives (via e mail only)